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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MICHELLE MELENDEZ	:	
	:	
Plaintiff,	:	Civil Action
	:	
v.	:	NOTICE OF REMOVAL
	:	
BATH & BODY WORKS, LLC AND	:	
BATH & BODY WORKS, INC.	:	
	:	
Defendants.	:	
	:	

**TO: United States District Court
Southern District of New York**

Pursuant to 28 U.S.C. §§ 1441 and 1446, Bath & Body Works, LLC and Bath & Body Works, Inc., LLC (“Defendants” or “BBW”), by and through its attorneys, Goldberg Segalla LLP, submits this Notice of Removal from the Supreme Court of the State of New York, County of New York, in which this matter is now pending, to the United States District Court Southern District of New York. In support of this Notice of Removal, Defendant states as follows:

1. This is a product liability, personal injury matter in which Plaintiff Michelle Melendez (“Plaintiff”) alleges she suffered “serious and permanent injuries and economic damages as a result of an alleged defective candle.” *See Exhibit A*, Plaintiff’s Complaint.
2. Plaintiff filed suit in the Supreme Court of New York, County of New York on January 27, 2022. *See Exhibit A*.

3. According to an Affidavit of Service filed in the State Court, Plaintiff served a copy of her Summons and Complaint on BBW through the New York Secretary of State's Office on February 3, 2022. *See Exhibit B.* Receipt of the aforesaid Summons and Complaint was BBW's first notice of this action.

4. A true and correct copy of all process, pleadings and orders served on BBWare attached as **Exhibits A and B**, as required by 28 U.S.C. § 1446(a).

5. This Notice of Removal is timely filed within thirty (30) days of service upon Defendants and is therefore timely pursuant to 28 U.S.C. § 1446(b).

6. Pursuant to 28 U.S.C. § 1332(a), this Court has original jurisdiction over this action, as the amount in controversy exceeds \$75,000 and this matter is between citizens of different states.

The Amount in Controversy

7. Plaintiff alleges she suffered severe burn injuries to her hand and arm while using Defendant's candle. *See Exhibit A.*

8. Plaintiff alleges "the severity of the [burn] injuries were so great that Plaintiff suffered permanent scarring" See **Exhibit A** at ¶ 19). Additionally, Plaintiff claims she required medical treatment and will require future medical treatment. *Id.*

9. Plaintiff says she "was caused to suffer and continues to suffer from serious and permanent injuries, pain and suffering, permanent disfigurement, and economic damages," and Plaintiff also says the incident caused severe emotional distress to her minor daughter, who allegedly witnessed the accident. *Id.* at ¶ 22.

10. Plaintiff seeks damages for "general, compensatory, exemplary and punitive damages plus such interest fees and costs allowed by law." (¶ 69).

11. Given the allegation of severe burn injuries that required past and future medical treatment, caused permanent scarring and emotional trauma to Plaintiff and her child, and the fact that Plaintiff seeks compensatory and punitive damages related to the incident, Defendant asserts the amount in controversy is alleged to be greater than the amount required by 28 U.S.C. § 1332(b).

Diversity of Citizenship

12. Plaintiff's Complaint alleges she is a citizen of Mahopac, New York. *See Exhibit A.*

13. Defendant Bath & Body Works, LLC is a limited liability company formed in Delaware with its principal place of business in Ohio. Bath & Body works, LLC's sole member, Retail Store Operations, Inc., is a corporation formed in Delaware, with its principal place of business in Ohio.

14. Defendant Bath & Body Works, Inc. is a publicly traded corporation formed in Delaware with its principal place of business in Ohio.

15. Pursuant to 28 U.S. Code § 1332, complete diversity of citizenship exists among all the parties in this action.

Removal is Proper

16. Insofar as the amount in controversy is alleged to exceed \$75,000.00, full diversity exists between the parties, and this Notice is timely filed, removal is proper pursuant to 28 U.S.C. § 1332(a) and 28 U.S.C. § 1441(a).

17. Written notice is being given contemporaneously to Plaintiff and to the Clerk of the Supreme Court of the State of New York, New York County that this Notice of Removal is being filed with this Court.

WHEREFORE, Defendants file this Notice of Removal so that the entire State Court Action under Index No. 805031/2022, now pending in the Supreme Court of the State of New York, New York County, shall be removed to this Court for all further proceedings.

Dated: March 4, 2022

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